Preliminary Amendment U.S. Serial No. NYA Filed: November 17, 2003 Page 4 of 4

## **REMARKS**

The claims pending in the above-identified application following entry of the foregoing amendments will be claims 11-27. Original claims 1-10 have been cancelled.

Claims directed to ophthalmic compositions containing moxifloxacin have been allowed in parent application Serial No. 10/200,868. The new claims submitted above are directed to the use of moxifloxacin to treat ophthalmic infections. As utilized in these claims, the term "treating" is intended to have its common, ordinary meaning, which includes both <u>active</u> and <u>prophylactic</u> treatment of a disease or disorder [see <u>Dorland's Illustrated Medical Dictionary</u>, Twenty-sixth Edition, pages 1388 and 1389 (1981); copy attached].

Respectfully submitted, ALCON RESEARCH, LTD.

November 17, 2003

Gregg A. Brown

Registration No. 30,613 Phone No. (817) 551-8663

Address for Correspondence: Gregg C. Brown

Alcon Research, Ltd. 6201 South Freeway, Mail Code Q-148 Fort Worth, Texas 76134-2099

Phone: (817) 551-8663

Attorney Docket No.: 1732 US F2